

**CITY OF CORDOVA, ALASKA
RESOLUTION 06-23-22**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF CORDOVA, ALASKA AUTHORIZING
THE CITY MANAGER TO NEGOTIATE AND GRANT A RIGHT-OF-WAY EASEMENT TO
THE NATIVE VILLAGE OF EYAK FOR THE SHEPARD POINT ROAD PROJECT.**

WHEREAS, the Native Village of Eyak (“NVE”) has entered into an agreement with the Federal Highway Administration Tribal Transportation Program to design, construct, and maintain a public road within the City of Cordova (“City”) to a deep-water port facility at Shepard Point (“Shepard Point Marine Tribal Transportation Oil Spill and Marine Casualty Response Facility”) (the “Project”); and

WHEREAS, construction of the Project requires a right-of-way easement across City property to accommodate the road; and

WHEREAS, NVE has made an offer of \$37,700 for the necessary easement, referred to as “Parcel 2”, as defined in NVE’s offer and presented to the Cordova City Council on May 3, 2023 (the “offer”), legal description and right-of-way easement maps are attached hereto as Attachments A and B; and

WHEREAS, the Project entails the reconstruction of the City’s raw water line and construction of an access trail to the water catchment facility at no cost to the City; and

WHEREAS, it is in the best interest of the City to provide the easement in support of the Project due both to the Project’s immediate improvements to City facilities, and also the Project’s potential to facilitate further development in areas of the City not currently connected by road.

NOW, THEREFORE, BE IT RESOLVED THAT the Council of the City of Cordova hereby authorizes and directs the City Manager to grant NVE a right-of-way easement to facilitate the construction of Shepard Point Road. The area conveyed in the easement now before this meeting is in all respects authorized, approved and confirmed by this resolution. The right-of-way easement to NVE must preserve the public’s use of any road, trail, or walkways constructed thereon, and must address and preserve the rights of adjacent property owners to access the easement. To that end, the City Manager hereby is authorized, empowered and directed to execute and deliver a grant of right-of-way easement with such changes, modifications, additions and deletions therein as she and the City Attorney shall deem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of approval of any and all changes, modifications, additions or deletions therein from the form and content of said documents now before this meeting, and from and after the execution and delivery of said documents, the City Manager hereby is authorized, empowered and directed to do all acts and things and to execute all documents as may be necessary to carry out and comply with the provisions of the right-of-way easement.

PASSED AND APPROVED THIS 7th DAY OF JUNE 2023.



David Allison, Mayor

ATTEST:

Susan Bourgeois, CMC, City Clerk